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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,027	12/14/2001	Toshiaki Iizuka	B422-178	5437
26272	7590	03/12/2008		
COWAN LIEBOWITZ & LATMAN P.C.			EXAMINER	
JOHN J TORRENTE			OUELLETTE, JONATHAN P	
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NEW YORK, NY 10036			PAPER NUMBER	
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MAIL DATE		DELIVERY MODE		
03/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/017,027

Applicant(s)

IIZUKA, TOSHIAKI

Examiner

Jonathan Ouellette

Art Unit

3629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-18, 22, 24 and 26-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-18, 22, 24 and 26-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

1. The Request filed on 2/27/2008 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/017027 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

2. Claims 1-15, 19-21, 23, and 25 have been cancelled, and Claims 26-31 have been added, therefore, Claims 16-18, 22, 24, and 26-31 are currently pending in application 10/017,027.

Claim Rejections - 35 USC § 112

3. The rejection of Claims 16, 22, and 24 under 35 U.S.C. 112, first paragraph, is withdrawn due to Applicant's amendments.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 16-18, 22, and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Aikens et al. (US 6,216,113).

6. As per new **independent Claims 16, 22, and 24**, Aikens discloses a client terminal (control method, record medium) in which a software including a plurality of functions is installed and which is capable of communicating with a server apparatus (Fig.1), the terminal comprising: a setting unit, which sets respective flags of said plurality of functions into an enabling state and a disabling state so that the function the flag of which is set into the enabling state is to be subjected to charging; a controlling unit, which controls usability of the function in accordance with the state of the flag thereof set by said setting unit, so as to make the function the flag of which is set in the enabling state, usable and make the function the flag of which is set in the disabling state, unusable (Fig.5, Yes/No to Validity, Validity Control, Exceed Acct. Limit control – are all equivalent forms of setting an enabling/disabling flag for use of functions); a payment unit, which executes, every first predetermined period (Account billing period) payment processing of a price of the function the flag of which is set in the enabling state by said setting unit; a prohibition request unit, which automatically requests the server apparatus to prohibit the usability of the function (Fig.5, Exceed Acct Limit control – Yes decision automatically determined); and a changing unit, which changes the state of the flag of the function said counted period of which exceeds the predetermined period, from the enabling state to the disabling state in response to a response of said server apparatus to the prohibition request by said prohibition request unit (Fig.5, Exceed Acct limit control is equivalent to setting an enabling or disabling flag).
7. Aikens fails to expressly disclose *a count unit, which counts a period in which said function the flag of which is set in the enabling state, remains being not used*; a prohibition request unit, which automatically requests the server apparatus to prohibit the usability of the

function subjected to period counting by said counting unit if said counted period counted by said count unit exceeds a second predetermined period (C5, measuring usage limits; Fig.5, total usage); and a changing unit, which changes the state of the flag of the function said counted period of which exceeds the second predetermined period, from the enabling state to the disabling state in response to a response of said server apparatus to the prohibition request by said prohibition request unit.

8. However, Aikens does disclose the use of billing counters (C5, measuring usage limits; Fig.5, total usage) and the periodic accumulation of billing information (C4 L23-35), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to cancel the account (equivalent to disabling use of function) or to stop replenishing funds in the account (equivalent to stopping charges) if the billing count information (use of functions) was null upon billing information transfer (count of 1 period between last data transfer), for the purpose of increasing system efficiency and decreasing system load, by only supporting active users of the system.
9. As per Claim 17, Aikens discloses wherein the function is at least one of a scan function, print function, a copy function and a facsimile transmission function (Fig.4, print function).
10. As per Claim 18, Aikens discloses an icon display unit, which displays icons corresponding respectively to said plurality of functions, said icon display unit distinctly displays the icons among said plurality of functions in different states in accordance with the enabling state and the disabling state of the flags thereof (C2, L51-65, Icons; Fig.2, Machine status Icon).

11. As per new Claims 26, 28, and 30, Aikens discloses wherein the second predetermined period is determined in correspondence with the first predetermined period (usage limits correlated with acct information).
12. As per new Claims 27, 29, and 31, Aikens discloses wherein the predetermined price is determined for each function and must be paid for usage of the function (Acct must be active/paid for use to occur).

Response to Arguments

13. Applicant's arguments filed 2/27/2008, with respect to Claims 16-18, 22, 24, and 26-31, have been considered, but are not persuasive. The rejection will remain as Non-Final based on the cited prior art.
14. As per the submitted arguments, the Applicant is directed to the revised rejection above.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

Art Unit: 3629

17. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

March 15, 2008

/Jonathan Ouellette/

Primary Examiner, Art Unit 3629